

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1, 5, 8, 9, 13, 16, 17, 21, 24, 29, and 32 are pending in this application.

Claims 1, 5, and 8 were rejected under 35 U.S.C. § 101. Claims 1, 5, 8/1, 8/5, 9, 13, 16/9, 16/13, 17, 21, 24/17, 24/21, 25, 29, 32/25, and 32/29 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 6,202,199 to Wygodny et al. (herein "Wygodny") in view of U.S. patent 6,345,306 to Hintermeister et al. (herein "Hintermeister"), U.S. patent 5,568,618 to Motoyama '618, and Official Notice.

Initially, applicants and applicants' representative wish to thank Examiner Price and Examiner Zhen for the interview granted applicants' representative on August 31, 2006. During the interview the outstanding rejections were discussed in detail. Further, during the interview claim amendments were discussed to address the rejection under 35 U.S.C. § 101 and to make a clarification to use consistent language. The present response sets forth the discussed claim amendments. During the interview it was agreed that such claim amendments address the rejection under 35 U.S.C. § 101.

Further, during the interview applicants' representative presented comments as to how the claims distinguished over the applied art. Those comments are reiterated below. The Examiners indicated the comments would be reviewed when formally presented in a filed response.

Addressing first the rejection of claims 1, 5, and 8 under 35 U.S.C. § 101, that rejection is traversed by the present response.

Each of claims 1, 5, and 8 is now directed to an "image forming device". Claims 9, 13, and 16 are also similarly amended. Although applicants dispute the basis for the rejection, the claims are amended to promote prosecution by being even more clearly directed

to statutory subject matter. Thus, claims 1, 5, and 8 are believed to clearly be proper under 35 U.S.C. § 101.

Addressing now the above-noted prior art rejection based on Wygodny in view of Hintermeister, Motoyama, and Official Notice, that rejection is traversed by the present response.

Applicants respectfully submit the basis for the outstanding rejection is not properly considering all the claimed features.

Initially, applicants note the claims are amended to make a clarification by no longer reciting a “target application”, but now consistently recite an “operation panel”.

According to features recited in the claims, a monitoring unit monitors the selecting of operations on an operation panel by a user, generates a log of such monitored data, and communicates that log of the monitored data. With such claimed structures and operations, which operations a user selects on an operation panel of an image forming device can be monitored and then logged. Such an operation allows monitoring of exactly how a user utilizes an operation panel of an image forming device, i.e., what buttons and in what order the buttons on an image forming apparatus operation panel are pressed by a user is monitored. With such monitored data it can then be evaluated and determined how a user utilizes an operation panel of an image forming device, so that that operation panel can then be improved.

First, applicants respectfully submit the basis for the outstanding rejection misconstrues the teachings in Wygodny relative to the claimed features. Specifically, one claimed feature is monitoring which operations of an operation panel of an image forming device a user selects. One basis for the outstanding rejection appears to cite Wygodny at col. 6, lines 3-11 with respect to monitoring the selecting of a plurality of operations of an

interface by a user.<sup>1</sup> However, applicants respectfully submit the outstanding rejection misconstrues the teachings in Wygodny relative to the claimed features.

As noted above, features set forth in the claims are directed to the monitoring of which operations on an operation panel of an image forming device a user selects. Wygodny does not disclose any such monitoring. In the noted portion in Wygodny in col. 6, lines 3-11, Wygodny discloses collecting trace data, which appears to be cited with respect to the claimed “monitoring”. However, Wygodny clearly discloses that the trace data is “trace information, such as execution paths, subroutine calls, and variable usage, from the client 102”. Wygodny requires a Trace Control Information (TCI) file created by a BugTrapper analyzer to be installed on a target system. At no point does Wygodny disclose or suggest any monitoring of selections of operations on an operation panel of an image forming device or any similar device.

In fact, Wygodny is directed to a completely different device than in the claimed invention. More particularly, Wygodny is directed to monitoring execution paths of a software system, which is referred to as a client (see for example the Abstract of Wygodny). Thus, Wygodny merely monitors how a software program is being executed.

The claims are not directed to such operations. Instead, the claims are directed to specifically monitoring how a user selects operations on an operation panel of an image forming device. Monitoring how a program is executed in Wygodny has no relation whatsoever to such claimed features.

Moreover, the teachings cited in Motoyama ‘618 are completely unrelated to Wygodny, and even if combined with the teachings in Wygodny would not realize the claimed invention.

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<sup>1</sup> Office Action of June 5, 2006, page 5, lines 11-13 of prenumbered paragraph 8.

Motoyama '618 is not at all directed to a device even similar to that for monitoring the execution paths of a software program, and as such the teachings in Motoyama '618 have no relevance whatsoever to the teachings in Wygodny.

Moreover, even if the teachings in Motoyama '618 were combined with those in Wygodny that would not realize the claimed invention. Specifically, if one of ordinary skill in the art was to combine the teachings in Motoyama '618 to those of Wygodny, at most that would suggest monitoring a software program in a business office device such as in Motoyama '618, as that is what Wygodny teaches. Wygodny as noted above merely teaches monitoring the execution path of a software program; and thus combining the teachings in Wygodny to those of Motoyama '618 would result in monitoring the execution path of a software program for a business office device (as Motoyama '618 discloses controlling business office devices).

Such a combination of teachings, however, would not realize the claimed invention. That is, even with such a combination of teachings that would *not* result in monitoring which operations on an operation panel of an image forming device a user selects. As noted above, the claims allow such a monitoring, which would not be realized by combining the teachings of Wygodny and Motoyama '618 in the manner suggested in the Office Action.

One basis for the outstanding rejection also appears to cite Hintermeister to indicate a first defined class storing data of one session at column 9, lines 34-36 and a second defined class storing data of a set number of sessions at column 9, lines 14-27.<sup>2</sup>

Those noted disclosures in Hintermeister are completely unrelated to the claimed features. At column 9, lines 34-36 Hintermeister states "[t]he Contents class defines the contents of a package, and has a LogicalContents subclass and a PhysicalContents subclass".

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<sup>2</sup> Office Action of June 5, 2006, page 6, last full paragraph. That basis for the outstanding rejection is traversed.

That disclosure in Hintermeister is not at all even remotely related to storing data of one session of a user.

At column 9, lines 14-27 Hintermeister refers to a “package class”, but at no portion therein does Hintermeister even address storing data of a set number of sessions of a user. The basis for the outstanding rejection is completely misconstruing the disclosure in Hintermeister.

Further, applicants note Hintermeister merely utilizes the term “package” to combine various files for distribution. As seen in Figure 3 in Hintermeister a graphical user interface is to drive packaging. As shown in Figure 5 in Hintermeister a user specifies packaging through a GUI and sends a logical package definition. A receiver of the logical package then retrieves the actual files and unpacks the package elements. The overall device of Hintermeister is completely unrelated to any of the claimed features, and clearly does not disclose the claimed specifics of the abstract class positively recited in each of the claims.

In maintaining the outstanding rejection the outstanding Office Action also appears to rely on the fact that a graphical user interface is known. Applicants do not dispute that a graphical user interface is known; but the fact that a graphical user interface is known is irrelevant to the basis for the rejection. Wygodny has no relevance whatsoever to monitoring a graphical user interface beyond tracing “execution paths, subroutine calls, and variable usage” of the software running a graphical user interface. Such a disclosure in Wygodny would not at all be directed to monitoring the operations selected on an operation panel of an image forming device. The outstanding rejection is clearly attempting to create an improper hindsight reconstruction of applicants’ invention based on unrelated teachings in the way the rejection attempts to combine Wygodny, Motoyama, Hintermeister, and a GUI.

Further, the independent claims further recite features of setting of number of sessions of a user utilizing an operation panel, for storing data of one session or storing data of a set number of sessions. This feature is believed to even further distinguish over the applied art.

With respect to the above-noted features the Office Action now cites Wygodny at column 10, line 51 to column 11, line 30, and some how or another references a “trace duration” in Wygodny. However, applicants traverse that basis for the outstanding rejection.

Simply, Wygodny does not disclose or suggest setting a number of sessions of a user utilizing an operation panel to be executed prior to communicating a log of the monitored data. Wygodny clearly does not disclose or suggest communicating data of one session or of a set number of sessions. Further, at the bottom of page 5 the statement in the Office Action that “Trace duration (number of sessions) is a typical trace control parameter, and therefore, it would have been obvious to include such information into the CTI file Wygodny” is not at all understood. That statement does not appear to be based on any disclosure in Wygodny. Further, it is not all clear how the Office Action has taken the position that a trace duration is equal to a number of sessions or that it is a typical trace control parameter.

Further, the claims are not directed to tracing a software being executed. Instead, the claims are directed to a ***number of sessions executed by a user*** prior to communicating a log of monitored data. Tracing a program as in Wygodny is completely unrelated to a number of sessions executed by a user.

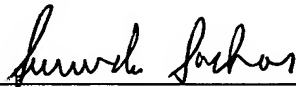
In such ways Wygodny clearly does not disclose the further features recited in the claims.

In view of these foregoing comments, applicants respectfully submit the claims as written clearly distinguish over the applied combination of teachings.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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